

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

v. : S1 19 Cr. 373 (PGG)

MICHAEL AVENATTI :

Defendant. :

**DEFENDANT AVENATTI'S NOTICE OF MOTION *IN LIMINE*
TO EXCLUDE GOVERNMENT'S PROPOSED EXPERT
TESTIMONY AND FOR A *DAUBERT* HEARING**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law in support, and the Declaration of Scott A. Srebnick, Esq., defendant Michael Avenatti, pursuant to Rules 401-403, 702, and 704 of the Federal Rules of Evidence and this Circuit's jurisprudence on expert witness testimony, will move this Court, before the Honorable Paul G. Gardephe at the United States Courthouse, 500 Pearl Street, Courtroom 705, New York, New York 10007, for an Order excluding from evidence the proposed testimony of the government's legal experts. In the event the Court concludes that the proposed testimony is not, on its face, excludable as a matter of law, Mr. Avenatti seeks a hearing pursuant to *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).

Respectfully submitted,

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Attorneys for Defendant Michael Avenatti

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2019, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices.

/s/Scott A. Srebnick
Scott A. Srebnick